

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Paging Network, Inc.)
)
Request for Waiver of Section 90.665)
Of the Commission's Rules Relating)
To the Construction of 900 MHz SMR)
MTA Facilities)

ORDER

Adopted: February 7, 2000

Released: February 8, 2000

By the Deputy Chief, Wireless Telecommunications Bureau

1. Pursuant to Section 10(c) of the Communications Act of 1934, as amended ("Act"),¹ this Order hereby extends until May 30, 2000 the initial one-year period for review of Paging Network, Inc.'s ("PageNet") forbearance request to allow us additional time to satisfy the requirements of Section 10(a) of the Act.²

2. On March 1, 1999, PageNet filed a request for waiver of Section 90.665(b) and (c) of our rules to allow PageNet until the end of its ten-year license period to comply with the construction requirements for its proposed 900 MHz MTA SMR systems.³ PageNet also included, as an alternative, a request that the Commission forbear from enforcing Section 90.665(b) and (c) pursuant to Section 10 of the Act.

3. Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to satisfy subsection (a) within one year after the Commission receives it, unless the Commission extends the initial one-year period. The Commission may extend the initial one-year period up to an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of subsection 10(a).

4. The waiver request is pending. The forbearance request raises significant questions regarding whether forbearance from enforcing these regulations and provisions of the Act satisfies the statutory requirements set forth in Section 10(a) of the Act. We therefore find that a 90-day extension is warranted under Section 10.

¹ 47 U.S.C. §160(c).

² 47 U.S.C. §160(a).

³ Request for Waiver filed by Paging Network, Inc. (March 1, 1999).

5. Accordingly, IT IS ORDERED, pursuant to Section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, that the initial one-year period for review of Paging Network, Inc.'s forbearance request is extended to May 30, 2000.

FEDERAL COMMUNICATIONS COMMISSION

James D. Schlichting
Deputy Chief
Wireless Telecommunications Bureau